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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3744  
Examiner : Marc E. Norman  
Serial No. : 10/657,461  
Filed : September 8, 2003  
Inventor : Michael R. DeLuca  
Title : PROGRAMMABLE THERMOSTAT  
: INCORPORATING AIR QUALITY  
: PROTECTION

Customer No.: 035811

Docket No.: 1117-R-03

Confirmation No.: 9797

Dated: November 15, 2004

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

**Certificate of Mailing Under 37 CFR 1.8**

For

Postcard  
Response

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney  
or Registered Representative:

Piper Rudnick LLP  
Customer No. 035811

By: 

Date: 15 Nov 2004



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**RESPONSE**

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Sir:

This is submitted in response to the Official Action dated October 18, 2004.

We acknowledge the restriction of the Application into Group I, including Claims 1 – 17, 49, 52 – 58, 66 and 71, and Group II, including Claims 18 – 48, 50, 51, 59 – 65, 67 – 7-, 72 and 73.

We hereby elect Group I, including Claims 1 – 17, 49, 52 – 58, 66 and 71, without traverse.

Respectfully submitted,

T. Daniel Christenbury  
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